

Notice of Allowability

Application No.

10/010,840

Examiner

Yubin Hung

Applicant(s)

KASUTANI, EIJI

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 August 2005.
2. ☒ The allowed claim(s) is/are 5-10, 13-17, 20, 25-30, 33, 37, 42 and 43 (now renumbered to claims 1-22).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment/Arguments

1. This action is in response to the amendment filed on August 17, 2005, which has been entered.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Claims 1-4, 11-12, 18-19, 21-24, 31-32, 34-36 and 38-41 have been canceled.
4. In view of the applicant's amendment, the 35 USC § 101 rejections have been withdrawn.
5. Applicant's argument, see page 19, first paragraph of the amendment filed August 17, 2005, with respect to claims 5 (and similarly claims 25 and 37) and 13 (and similarly claims 33 and 43), has been fully considered and is persuasive. The rejections of claims 5, 25, 37 and their respective dependent claims and 13, 33 and 43 have been withdrawn.

Reasons for Allowance

6. Claims 5-10, 13-17, 20, 25-30, 33, 37, 42 and 43 are allowed.

7. The following is an examiner's statement of reasons for allowance:

7.1 Regarding claim 5, and similarly claims 25 and 37, closest art of record Shiiyama (US 6,584,223) teaches an image search system that divides an image into blocks, computes color information for each block and uses the collection of block color information as an image color feature for image search; Takata et al. (US 6,526,400) teaches using the average color of a block as its representative color; Kusama (US 6,633,685) further suggests using frequency features of a low-resolution version of an image as its image feature; Abe et al. (US 6,157,741) discloses applying inverse DCT to frequency data before carrying out feature extraction; and Matsuzaki et al. (US 6,804,683) teaches ensuring that the same type of features for the target and the inquiry images are used when conducting similarity calculation. However, none of these references teach or suggest an image search system that supports both frequency-based and color-based image features and when presented with one type (say of the inquiry image), is capable of converting it into another (say, the type used by the images in the database) so that a meaningful similarity measurement can be obtained. In addition, while most of the limitations can be found in the recited references, it would not

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have been obvious to one of ordinary skill in the art at the time of the invention to combine them to obtain the invention of claim 5.

7.2 Claim 13, and similarly claims 33 and 43, is similar to claim 25 except that it deals with converting color distribution feature to frequency distribution feature and therefore the same reason for allowance applies.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
September 2, 2005



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